

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/9/2022

PLYMOUTH COUNTY RETIREMENT
ASSOCIATION, and CARPENTERS
PENSION TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

- against -

ARRAY TECHNOLOGIES, INC., et al.,

Defendants.

21 Civ. 4390 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On January 24, 2022, and consistent with the Court's Individual Practices, counsel for defendant Array Technologies, Inc., and all other defendants ("Defendants"), sent counsel for plaintiffs Plymouth County Retirement Association, and Carpenters Pension Trust Fund for Northern California ("Plaintiffs"), a pre-motion letter identifying alleged deficiencies in the Consolidated Amended Complaint that Plaintiffs filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 165.) On February 23, 2022, also consistent with the Court's Individual Practices, counsel for Plaintiffs sent a three-page letter in response, opposing the grounds that Defendants stated in favor of the proposed motion. (See Dkt. No. 166.) On March

21, 2022, the Court received a letter from Defendants requesting a pre-motion conference, and asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 169.)

Upon review of all pre-motion letters, the Court is unpersuaded that a pre-motion conference is necessary to resolve the parties' dispute. Within one week of the date of this order, the parties shall notify the Court whether they consent to the Court deeming the pre-motion letters as a fully briefed motion and ruling on the basis of the letters, or whether the parties request supplemental or full briefing on Defendants' proposed motion. If the parties request supplemental or full briefing, they are directed to submit a proposed briefing schedule within one week of the date of this order.

SO ORDERED.

Dated: August 9, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Victor Marrero', is written over a horizontal line.

VICTOR MARRERO
U.S.D.J.